

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-1610

In Re: SHAWN DEION SWINSON, SR.,

Petitioner.

On Petition for Writ of Mandamus.
(3:09-cv-00105-JRS; 3:06-cr-00001-JRS-1)

Submitted: July 22, 2010

Decided: July 30, 2010

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Petition denied by unpublished per curiam opinion.

Shawn Deion Swinson, Sr., Petitioner Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shawn Deion Swinson, Sr., petitions for a writ of mandamus, alleging the district court has unduly delayed acting on his 28 U.S.C.A. § 2255 (West Supp. 2010) motion. He seeks an order from this court directing the district court to act. Our review of the district court's docket reveals that the district court denied Swinson's § 2255 motion on June 15, 2010. Accordingly, because the district court has recently decided Swinson's case, we deny the mandamus petition as moot. We grant leave to proceed in forma pauperis. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

PETITION DENIED